

13557. Adulteration and misbranding of caviar. U. S. v. 1 Case, et al., of Caviar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20079. I. S. Nos. 20557-v, 20558-v. S. No. W-1711.)

On May 21, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases and 66 cans of caviar, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Austin, Nichols & Co., from New York, N. Y., March 29, 1923, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Casino Brand Caviar Chelsea Packing Co., New York. * * * Colored—Sweetened With Caramel."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored roe other than sturgeon, had been substituted wholly or in part for the said article, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designation "Caviar" was false and misleading and deceived and misled the purchaser, and for the further reason that it was sold under the distinctive name of another article.

On July 21, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13558. Adulteration and misbranding of grey shorts. U. S. v. 2,400 Sacks of Grey Shorts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19518. I. S. No. 6311-v. S. No. C-4611.)

On February 9, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2,400 sacks of grey shorts, at Arkadelphia, Ark., alleging that the article had been shipped by the Kansas Flour Mills Co., from Kansas City, Mo., on or about December 17, 1924, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Grey Wheat Shorts & Wheat Screenings * * * The Kansas Flour Mills Company Kansas City, U. S."

Adulteration of the article was alleged in the libel for the reason that a substance, brown shorts, had been substituted wholly or in part for the said article, and in that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the label "Grey Wheat Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On February 14, 1925, the Arkadelphia Milling Co., Arkadelphia, Ark., having appeared as claimant for the property and having consented to the entry of a decree and to relabel the product "Wheat Brown Shorts and Ground Screenings" under the supervision of this department, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, and it was further ordered that it be relabeled as above.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13559. Misbranding of oysters. U. S. v. W. H. Killian Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17515. I. S. Nos. 4437-v, 4438-v, 4439-v.)

On July 11, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. H. Killian Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about November 27 and 28, 1922, respectively, from the State of Maryland into the State of Ohio, of quantities of oysters which were misbranded. The article was labeled in part: "Minimum Volume 1 Gallon."

Examination by the Bureau of Chemistry of this department of 7 cans and 12 cans from the two consignments showed an average shortage of 4.4 and 3.9 fluid ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum Volume 1 Gallon," borne on the cans containing the said article, was false and misleading, in that the said statements represented that the cans contained not less than 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained not less than 1 gallon of oysters, whereas the cans did contain less than 1 gallon of oysters. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13560. Adulteration of canned salmon. U. S. v. 10,558 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18938, 18945, 18966, 18980, 19020. I. S. Nos. 20219-v, 20221-v, 20287-v, 20288-v, 20289-v, 20294-v. S. Nos. W-1569, W-1575, W-1583, W-1584, W-1589.)

On January 17, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying the seizure and condemnation of 10,558 cases of salmon, remaining in the original unbroken packages at Anacortes, Wash., consigned by the Alaska Herring & Sardine Co., from Port Walter, Alaska, alleging that the article had been shipped in interstate commerce from the Territory of Alaska into the State of Washington, arriving at Anacortes at different times during the months of August and September, 1924, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 22, 1925, the Alaska Herring & Sardine Co., claimant, having admitted that a portion of the product was adulterated and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$23,000, in conformity with section 10 of the act, conditioned in part that the unadulterated portion be separated from the adulterated portion under the supervision of this department, and the former released and the latter destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13561. Adulteration of canned salmon. U. S. v. 8,892 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18939, 18943, 18986, 19039, 19047, 19147. I. S. Nos. 20218-v, 20220-v, 20290-v, 20293-v, 21058-v, 21071-v. S. Nos. W-1570, W-1574, W-1586, W-1593, W-1603.)

On January 17, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8,892 cases of salmon, remaining in the original unbroken packages at Anacortes, Wash., consigned by J. L. Smiley & Co., from Ketchikan, Alaska, alleging that the article had been shipped from Alaska, arriving at Anacortes at different times during the months of August, September, and October, 1924, and had been transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

During the month of January, 1925, J. L. Smiley & Co., Ketchikan, Alaska, claimant, having admitted that a portion of the product was adulterated and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and